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May 30, 2011, via Email

Chairman Phillip Isenberg  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

Mr. Joe Grindstaff, Executive Director  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

Subject: Response to April 8 ACWA Letter Regarding Limiting the Scope of the DSC Ability to Address Delta Water Solutions

Dear Chairman Isenberg:

On behalf of our broad coalition of community, conservation, environmental justice and fishing groups, we have been active participants in the Delta Stewardship Council's Delta Plan process and will continue this public participation as the Delta Plan moves forward. We are concerned with ACWA's attempts to limit the scope and thus hinder solutions needed to restore the Bay-Delta and the restoration plan. Their comments that suggest the geographic scope be limited would unnecessarily tie the hands of the Council. The legislative intent is clear; the damage to the Bay-Delta is the result of actions taken both outside the "legal" definition of the Delta and direct diversions and pumping from within the Delta. The law demands and solutions demand that this full range of impacts be analyzed if the Council's plan is to meaningfully address the legislative mandate of restoring this ecosystem and providing some sustainable water to meet demand. Limiting the analysis and recommendations to the legal Delta and Suisun Bay, as recommended in the ACWA letter, will preclude success and waste taxpayer dollars.

The Council has driven a demanding schedule by completing the initial Scoping Process and three Draft Plans in four months. We commend the Council for your inclusive approach and the consideration of diverse viewpoints.. The contentious issues of a deteriorating Delta ecosystem, limited water supplies, and unpredictable future climate influences require an enlightened vision and steadfastness of purpose.


As we have previously stated the following findings are critical to a comprehensive EIR:

1. The Delta is over appropriated and unless exports are reduced to a sustainable level, scientists agree that restoration of the Delta ecosystem and its recovery will not be achieved under present water exports. The legislative language requiring less reliance on the Delta water supplies means less diversions from and more water through the Delta-Bay ecosystem. system.
- 2 The over appropriation stems primarily from CVP and SWP contract levels which cannot be met in most years. As we have stated, the Notice of Intent of BDCP that suggests by definition the project is to meet full contractual amounts is not consistent with State

Legislative directions, and we appreciate the Council for noting that conflict in a previous letter to Mr. Corwin.

- 3 The Delta's ecosystems and wildlife cannot be restored without major changes in the water export amounts and timing along with achieving more natural physical conditions in the Delta.
- 4 The Delta ecosystems cannot be restored without significant reductions of pollutants that are currently being poured into the Delta, especially from the San Joaquin River. The Central Valley Regional Water Quality Control Board is currently reviewing the agricultural waiver it has provided for the past 7 years. We ask the Council communicate to the CVRWCQB that reductions in pollutant inflows are needed, and a continuation of the waiver would not help lower pollutant inflows in a reasonable time period.
- 5 If a Delta conveyance alternative is to be considered, we again stand fast to our previous recommendation that a full range of facilities be evaluated, including a no-facility option. We are encouraged that BDCP has now stated they will look at a full range of diversion options, but we are not confident they will get an equal evaluation, given the NOI for BDCP. We encourage the Council to be independent on the need for its own study on conveyance, and to look at all options equally and fairly.

It is our hope that you will continue to take a statewide perspective in your work and that you will evaluate and accept the above recommendations in order to produce a Delta Plan that is in accordance with your legislatively mandated coequal goals of restoring the Delta and providing reliable future water supply.



David Nesmith  
EWC Facilitator